

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 19, 2001 in Room 210 Memorial Hall

All members were present except:

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department
Norman Furse, Revisor of Statute's Office
June Evans, Secretary

Conferees appearing before the committee:

Others attending: See Attached Sheet

The Chairperson stated there were four bills on the agenda to work today, but just because have four set up to work does not mean I think we need to send them out of committee or we shouldn't send them out, it is up to you. When I ask for your pleasure on a bill it does not necessarily mean that I think we should do something or we shouldn't. I am just saying we are working four bills, they can either stay in committee, move out of committee or be tabled.

The Chairperson stated there were hearing on **HB 2210 - Distribution and control of drugs in indigent health care clinics and federally qualified centers** earlier and the Board of Pharmacy and Joyce Volmut testified on the bill and the bill allows nurses or people at indigent clinics to dispense drugs when there is no doctor present.

Representative Flaharty moved and Representative Long seconded to move HB 2210 out favorably and place on the consent calendar. The motion carried.

The Chairperson asked what the committee's please was on **HB 2057 - Repealing medical scholarship program.**

Norman Furse, Revisor's of Statute's Office, briefed the committee on a balloon to **HB 2057**. This does not change anything, it is in current law. However, there are other statutes that are still in effect so deleted "critically" and went with medically underserved areas (Attachment 1).

Representative Long moved and Representative Showalter seconded to accept the balloon on HB 2057. The motion carried.

Representative Long moved and Representative Lightner seconded to move HB 2057 out as amended. The motion carried.

The Chairperson asked what the committee's pleasure was on **HB 2060 - Factors in licensure determinations for deciding whether certain individuals have sufficiently rehabilitated to warrant the public trust.**

Norman Furse, Revisor's of Statute's Office, briefed the committee on an amendment to HB 2060.

Representative Morrison moved and Representative Long seconded to adopt the balloon on HB 2060.

Discussion followed and several of the members said they would be unable to support the bill.

Representative Long moved and Representative Morrison seconded a substitute motion to table HB 2060. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on February 19.

The Chairperson asked the Committee what their wishes were on **HB 2229 - Kansas Senior Caregiving Initiative.**

Representative Lightner moved and Representative Patterson seconded an amendment to strike "Any minimum occupancy requirement applied to nursing facility costs shall include only those costs that are fixed and unalterable regardless of resident census" on page 2, lines 5-7.

Representative Lightner stated the reason for this amendment was the fiscal impact which was approximately \$4 million.

Representative Kirk moved and Representative Welshimer seconded a Substitute motion to amend and add "Within the limits of appropriations" where appropriate, delete (e) and renumber and add new (g) On and after July 1, 2001, payment schedules for providers of adult care home services under the medicaid plan shall not use the 85% rule in computing reimbursement. As used in this paragraph (g), the "85% rule" means the 85% minimum occupancy rule and the resulting formula adjustments based on this rule under Kansas Administrative Regulation 30-10-18 and other similar rules and regulations. Authorized expenditures not otherwise accounted for in the reimbursement rate of the facility, not under the control of the facility and required by the state of Kansas or federal mandates shall be reimbursed by the state as a direct-cost pass-through. The motion carried.(Attachment 2).

A Division was called - Yes - 10 and No 6.

Representative Lightner stated she was opposed to the Kirk amendment because of the fiscal impact..

Representative Landwehr stated they are working on this in Appropriations.

Representative Storm moved and Representative Welshimer seconded to move **HB 2229** out as amended. The motion carried. A Division was called. Yes 9 and No 6.

The following wanted to be recorded as voting NO - Representatives DeCastro, Landwehr, Lightner, Merrick, Patterson.

The meeting adjourned at 2:50 p. m. and the next meeting will be February 20.

HOUSE BILL No. 2057

By Health Care Reform Legislative Oversight Committee

1-18

AN ACT concerning medical scholarships and loans; concerning medically underserved areas; amending K.S.A. 74-3247, 74-3269, 76-376, 76-379, 76-383 and 76-384 and K.S.A. 2000 Supp. 74-3266 and 76-375 and repealing the existing sections; also repealing K.S.A. 76-373, 76-374, 76-377 and 76-377a.

65-2811a,
, 74-32, 132,
and 76-381

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 76-375 is hereby amended to read as follows: 76-375. (a) On or before December 31 in each year, the chancellor of the university of Kansas, or the designee of the chancellor secretary of health and environment, shall prepare a list of the areas of this state which the chancellor, or designee of the chancellor, secretary determines to be critically medically underserved areas by specialty and the areas of this state which the chancellor, or designee of the chancellor, secretary determines to be medically underserved areas by specialty. In preparing such a list the chancellor, or designee of the chancellor, shall consult with the medical scholarship advisory committee. All state medical care facilities or institutions, all medical centers operated in the state of Kansas by the veterans administration of the United States, and all full-time faculty positions at the university of Kansas school of medicine in family medicine or family practice are qualified for service in both service commitment area I and service commitment area II without being determined medically underserved areas. In preparing such a list, the portion of time of persons engaged in the practice of medicine and surgery at any institution under the jurisdiction and control of the secretary of social and rehabilitation services shall not be included in determining whether an area is critically medically underserved or medically underserved. Every such list shall note that all state medical care facilities or institutions qualify for such service commitments, in addition to listing those areas determined to be critically medically underserved or medically underserved. Critically medically underserved areas by specialty and medically underserved areas by specialty established prior to the effective date of this act by the secretary of health and environment chancellor of the university of Kansas, or the designee of the chancellor, shall continue in effect for the purposes of this act until changed by the chancellor of

Medically underserved areas

HHS
5-19-01
Atch # 1

1 ~~the university of Kansas, or the designee of the chancellor secretary of~~
2 ~~health and environment. [The chancellor of the university of Kansas, or~~
3 ~~the designee of the chancellor secretary of health and environment, upon~~
4 ~~a finding of exceptional circumstances, may modify any or portions of~~
5 ~~areas determined to be critically medically underserved or medically un-~~
6 ~~derserved by specialty.]~~

7 [(b) (1) A service commitment area shall be designated as a service
8 commitment area I or a service commitment area II. Service commitment
9 area I shall be any area determined by the ~~chancellor of the university of~~
10 ~~Kansas, or the designee of the chancellor, secretary of health and envi-~~
11 ~~ronment~~ under subsection (a) to be, ~~for purposes of all agreements entered~~
12 ~~into under K.S.A. 76-374 and amendments thereto, a medically~~
13 ~~underserved area or a critically medically underserved area. Service com-~~
14 ~~mitment area II shall be, for purposes of all agreements entered into~~
15 ~~under K.S.A. 76-374 and amendments thereto, the state of Kansas.]~~

16 [(2) The service commitment area I or II for persons first awarded
17 scholarships after December 31, 1985, shall be an incorporated city of
18 this state as specified in subsection (d)(2) of K.S.A. 76-374 and amend-
19 ments thereto of less than 12,000 population based upon the most current
20 legal census excluding any such incorporated cities located in Wyandotte,
21 Johnson, Sedgwick or Shawnee counties, all state medical care facilities
22 or institutions, all medical centers operated in the state of Kansas by the
23 veterans administration of the United States, and the full-time faculty
24 positions at the university of Kansas school of medicine in general internal
25 medicine, general pediatrics, family medicine or family practice, except
26 that, at the time any person commences satisfying a service commitment
27 under this subsection as a full-time faculty member, the number of per-
28 sons satisfying service commitments or service obligations, pursuant to
29 agreements under K.S.A. 76-374 and amendments thereto or the medical
30 student loan act, as full-time faculty members pursuant to this subsection
31 shall not exceed the number equal to 25% of the total number of full-
32 time faculty members of the university of Kansas school of medicine in
33 general internal medicine, general pediatrics, family medicine or family
34 practice.]

35 [(c) In selecting a service commitment area I or II, whichever is ap-
36 plicable, prior to the commencement of the full-time practice of medicine
37 and surgery pursuant to all agreements entered into under K.S.A. 76-374
38 and amendments thereto requiring service for a period of time in a service
39 commitment area I or II, whichever is applicable, the person so selecting
40 shall select such area from among those areas appearing on the list of
41 areas prepared by the ~~chancellor of the university of Kansas, or the des-~~
42 ~~ignee of the chancellor, secretary of health and environment~~ under this
43 section. The service commitment area selected shall have appeared on]

1 [any such list not more than 36 months prior to the commencement of
2 such full-time practice of medicine and surgery by the person selecting
3 such service commitment area.] Upon the selection of such service com-
4 mitment area, the person so selecting shall inform the university of Kansas
5 school of medicine of the area selected.

6 [(d) A person serving in a service commitment area I or II, whichever
7 is applicable, pursuant to any *an* agreement under this act may serve all
8 or part of any commitment in the service commitment area initially se-
9 lected by such person. If such person moves from one service commit-
10 ment area I or II to another service commitment area I or II, as appli-
11 cable, such person shall notify the university of Kansas school of medicine
12 appropriate entity as provided by law of such person's change of service
13 commitment area. Service in any such service commitment area I or II,
14 as applicable, selected from the appropriate lists of service commitment
15 areas, shall be deemed to be continuous for the purpose of satisfying any
16 agreement entered into under this act. Any service commitment area I
17 or II, as applicable, selected after the initially selected service commit-
18 ment area I or II shall have appeared on a service commitment area I list
19 or on a service commitment area II list, as applicable, which shall have
20 been prepared not more than 12 months prior to the move by such person
21 from one service commitment area I or II to another service commitment
22 area I or II, as applicable.]

23 (e) (1) ~~A person awarded a scholarship prior to January 1, 1986, may~~
24 ~~satisfy the obligation to engage in the full-time practice of medicine and~~
25 ~~surgery in a service commitment area I even though such person is en-~~
26 ~~gaged in such practice in two or more locations within the state of Kansas,~~
27 ~~at least one of which is not located in a service commitment area I, if the~~
28 ~~person is engaged in the full-time practice of medicine and surgery in~~
29 ~~such locations pursuant to a practice affiliation agreement approved by~~
30 ~~the chancellor of the university of Kansas, or the designee of the~~
31 ~~chancellor.~~

32 ~~(2) A person awarded a scholarship prior to January 1, 1986, may~~
33 ~~satisfy the obligation to engage in the full-time practice of medicine and~~
34 ~~surgery in either service commitment area I or service commitment area~~
35 ~~II by performing at least 100 hours per month of on-site primary care as~~
36 ~~defined in K.S.A. 76-374 and amendments thereto at a medical facility~~
37 ~~operated by a local health department or nonprofit organization in this~~
38 ~~state serving medically indigent persons. As used in this paragraph, "med-~~
39 ~~ically indigent" means a person: (A) Who is unable to secure health care~~
40 ~~because of inability to pay for all or a part of the costs thereof due to~~
41 ~~inadequate personal resources, being uninsured, being underinsured, be-~~
42 ~~ing ineligible for governmental health benefits; or (B) who is eligible for~~
43 ~~governmental benefits but is unable to obtain medical services.~~

~~(3) A person awarded a scholarship prior to January 1, 1986, may satisfy the obligation to engage in the full-time practice of medicine and surgery in either service commitment area I or II by engaging in such full-time practice of medicine and surgery, other than in a primary care specialty, anywhere in the state of Kansas with the exception of the following counties: Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte, except that the full-time practice of medicine and surgery within the six listed counties will qualify if the selected county is designated as a service commitment area I or II in accordance with the provisions of this section, or whenever there are fewer than three persons engaged in the full-time practice of medicine and surgery in a designated specialty in the selected county. Any person who satisfies the obligation to engage in the full-time practice of medicine and surgery in accordance with this subsection (c)(3) shall remain obligated to repay the amounts received for living expenses as prescribed in subsection (a)(5) of K.S.A. 75-376 and amendments thereto. As used in this subsection (c)(3), "primary care" means general pediatrics, general internal medicine or family practice.~~

~~(f) A person awarded a scholarship in accordance with the provisions of K.S.A. 76-373 through 76-377a and amendments thereto may satisfy the obligation to engage in the practice of medicine and surgery, under an agreement entered into pursuant to K.S.A. 76-374 and amendments thereto even though such person is engaged in practice in an area not designated a medically underserved area by specialty, or a critically medically underserved area by specialty, through employment on a part-time basis by the state of Kansas which has been approved by the chancellor of the university of Kansas, or the designee of the chancellor, for the practice of medicine and surgery at any state medical care facility or institution.~~

~~(g) In connection with the determination of critically medically underserved areas and medically underserved areas under this section, the chancellor of the university of Kansas, or the designee of the chancellor, shall assess annually the need in the state as a whole for medical services provided by persons engaged in the practice of medicine and surgery and shall report thereon annually to the legislature. Each report shall include any recommendations for needed legislation, including any recommended amendments to this act, which relate to the need for such medical services in the various areas of this state.~~

~~(h) There is hereby established the medical scholarship advisory committee. Members of the medical scholarship advisory committee shall be appointed by the chancellor of the university of Kansas as follows: (1) One member shall be from the office of the chancellor of the university of Kansas; (2) one member shall be a representative of the Kansas medical~~

1 society; (3) one member shall be a member of the Kansas legislature; (4)
2 one member shall be a student at the university of Kansas school of med-
3 icine; and (5) one member shall be a representative of the Kansas hospital
4 association. The medical scholarship advisory committee shall meet pe-
5 riodically upon the call of the chancellor, or the designee of the chancel-
6 lor, and shall make recommendations to the chancellor, or the designee
7 of the chancellor, in regard to the administration of the provisions of this
8 act.

9 — (i) The chancellor of the university of Kansas may appoint a medical
10 scholarship program coordinator for the purpose of planning and admin-
11 istering the provisions of this act. The coordinator shall be in the unclas-
12 sified service under the Kansas civil service act.

13 — (j) For all purposes under this section, service or employment after
14 June 30, 1988, on a part-time basis (1) pursuant to a practice affiliation
15 agreement approved by the chancellor of the university of Kansas, or the
16 chancellor's designee, or (2) at a state medical care facility or institution,
17 shall be on the basis of at least the equivalent of 1/2 time in order to satisfy
18 the obligation to engage in the practice of medicine and surgery under
19 an agreement entered into pursuant to K.S.A. 76-374 and amendments
20 thereto.

21 ~~[(k)]~~ (e) As used in this section, "state medical care facility or institu-
22 tion" includes, but is not limited to, the Kansas state school for the visually
23 handicapped, the Kansas state school for the deaf, any institution under
24 the secretary of social and rehabilitation services, as defined by subsection
25 (b) of K.S.A. 76-12a01 and amendments thereto, any institution under
26 the commissioner of juvenile justice, as defined by K.S.A. 38-1602, and
27 amendments thereto, the Kansas soldiers' home, the Kansas veterans'
28 home and any correctional institution under the secretary of corrections,
29 as defined by subsection (d) of K.S.A. 75-5202 and amendments thereto,
30 but shall not include any state educational institution under the state
31 board of regents, as defined by subsection (a) of K.S.A. 76-711 and
32 amendments thereto, except as specifically provided by statute.]

33 [Sec. 2. K.S.A. 76-376 is hereby amended to read as follows: 76-376.]

34 (a) (1) Except as otherwise provided in paragraphs (2) through (9) of this
35 subsection (a) or in K.S.A. 76-377 and amendments thereto, upon the
36 failure of any person to satisfy the obligation to engage in the full-time
37 practice of medicine and surgery within the appropriate service commit-
38 ment area of this state for the required period of time under any agree-
39 ment entered into pursuant to K.S.A. 76-373 through 76-377a, and
40 amendments thereto, such person shall repay to the university of Kansas
41 school of medicine an amount equal to the total of (A) the amount of
42 money received by such person pursuant to such agreement, or the
43 amount of money determined under rules and regulations of the univer-

1 sity of Kansas plus (B) annual interest at a rate of 10%, if the agreement
2 was entered into prior to January 1, 1982, 15%, if the agreement was
3 entered into after December 31, 1981, from the date such money was
4 received.

5 —(2)—Any person first awarded a scholarship after December 31, 1985,
6 who fails to apply for and enter an approved three-year primary care
7 postgraduate residency training program shall be required to repay all
8 moneys received pursuant to an agreement entered into for any such
9 scholarship, plus accumulated interest at an annual rate of 15% within 90
10 days of graduation from the school of medicine, or termination or com-
11 pletion of a residency training program which does not comply with the
12 provisions of this section, whichever occurs later.

13 —(3)—If a person fails to satisfy an obligation to engage in the full-time
14 practice of medicine and surgery within a service commitment area I for
15 the required period of time under an agreement entered into pursuant
16 to K.S.A. 76-373 through 76-377a, and amendments thereto, but is en-
17 gaged in the full-time practice of medicine and surgery within this state
18 in a service commitment area II which would have applied to such person
19 had such person received a type II scholarship under an agreement en-
20 tered into pursuant to K.S.A. 76-373 through 76-377a, and amendments
21 thereto, and if the chancellor of the university of Kansas, or the designee
22 of the chancellor, finds that exceptional circumstances caused the failure
23 of such person to engage in such practice in a service commitment area
24 I, such person shall not be required to repay the amount of money re-
25 ceived by such person for up to 50% of tuition fees pursuant to such
26 agreement.

27 —(4)—If a person fails to satisfy an obligation to engage in the full-time
28 practice of medicine and surgery in Kansas for the required period of
29 time under an agreement entered into pursuant to K.S.A. 76-373 through
30 76-377a, and amendments thereto, because such person is engaged in the
31 full-time practice of medicine and surgery in a state other than Kansas
32 and if such person is subject to or currently making repayments under
33 this section and if such person subsequently commences the practice of
34 medicine and surgery in this state which complies with the agreements
35 entered into under such statutes, the balance of the repayment amount,
36 including interest thereon, from the time of such commencement of prac-
37 tice until the obligation of such person is satisfied, or until the time such
38 person again becomes subject to repayments, shall be waived. All repay-
39 ment amounts due prior to such commencement of practice in this state,
40 including interest thereon, shall continue to be payable as provided in
41 this section. If subsequent to such commencement of practice, the person
42 fails to satisfy such obligation, the person again shall be subject to repay-
43 ments, including interest thereon, as otherwise provided in this section.

1 ~~—(5)—Any person awarded a type I scholarship prior to January 1, 1986;~~
2 ~~who is satisfying the obligation to engage in the full-time practice of med-~~
3 ~~icine and surgery in a service commitment area I by complying with the~~
4 ~~provisions of subsection (c)(3) of K.S.A. 76-375 and amendments thereto~~
5 ~~and who except for the provisions of such section (c)(3) would not oth-~~
6 ~~erwise be eligible to satisfy such obligation in the area in which such~~
7 ~~person is engaged in the full-time practice of medicine and surgery shall~~
8 ~~repay all moneys received by the person pursuant to the type I scholarship~~
9 ~~for living expenses, including interest thereon as otherwise provided in~~
10 ~~this section, in accordance with the repayment schedule established for~~
11 ~~the purposes of this paragraph by the chancellor of the university of~~
12 ~~Kansas.~~

13 ~~—(6)—If, during the time a person is satisfying the service requirement~~
14 ~~of an agreement entered into pursuant to K.S.A. 76-373 through 76-377a,~~
15 ~~and amendments thereto, such person desires to engage in less than the~~
16 ~~full-time practice of medicine and surgery within the appropriate service~~
17 ~~commitment area of the state and remain in satisfaction of such service~~
18 ~~requirement, such person may make application to the chancellor of the~~
19 ~~university of Kansas or the designee of the chancellor for permission to~~
20 ~~engage in less than such full-time practice of medicine and surgery. Upon~~
21 ~~a finding of exceptional circumstances made by the chancellor of the~~
22 ~~university of Kansas, or the designee of the chancellor, such person may~~
23 ~~be authorized to engage in less than the full-time practice of medicine~~
24 ~~and surgery within the appropriate service commitment area of the state~~
25 ~~for the remaining required period of time under such agreement and for~~
26 ~~an additional period of time which shall be equal to the length of the~~
27 ~~originally required period of time multiplied by the decimal fraction~~
28 ~~which is equal to the reduction of the full-time practice of medicine and~~
29 ~~surgery to be authorized hereunder, multiplied by two. In any such de-~~
30 ~~termination of the period required to be engaged in the less than full-~~
31 ~~time practice of medicine and surgery, the decimal fraction utilized shall~~
32 ~~not exceed .5 and any person granted permission to engage in less than~~
33 ~~the full-time practice of medicine and surgery in accordance with the~~
34 ~~provisions of this paragraph (6) shall be required to engage in at least the~~
35 ~~half-time practice of medicine and surgery.~~

36 ~~—(7)—Any person first awarded a scholarship after December 31, 1985,~~
37 ~~who enters but fails to complete an approved three-year primary care~~
38 ~~postgraduate residency training program, or who enters and completes~~
39 ~~an approved three-year primary care postgraduate residency training pro-~~
40 ~~gram but fails to satisfy the obligation to engage in the full-time practice~~
41 ~~of medicine and surgery within the appropriate service commitment area~~
42 ~~of this state for the required period of time shall be required to repay all~~
43 ~~money received pursuant to an agreement entered into for any such schol-~~

1 arship, plus accumulated interest at an annual rate of 15% within 90 days
2 of failure to complete an approved residency or 90 days of failure to
3 commence qualifying practice, whichever occurs first. This provision shall
4 apply only to agreements entered into from and after the effective date
5 of this act.

6 —(8)— Any person who was satisfying such person's obligation to engage
7 in the full-time practice of medicine and surgery within the appropriate
8 service commitment area of the state for the required period of time
9 under any agreement entered into pursuant to K.S.A. 76-373 through 76-
10 376 and amendments thereto, by practicing in the specialty of emergency
11 medicine at Memorial Hospital in Topeka, Kansas, may satisfy the re-
12 mainder of such person's obligation to engage in the full-time practice of
13 medicine and surgery by practicing in a critically medically underserved
14 area in the specialty of emergency medicine.

15 —(9)— Any person who was first awarded a type I scholarship prior to
16 January 1, 1986, who has completed an approved three-year primary care
17 postgraduate residency training program in pediatrics, who is employed
18 as a clinical assistant professor in the department of pediatrics and as
19 director of the sexual abuse program at the university of Kansas medical
20 center on at least a 55% full-time equivalent basis and who provides on-
21 call services 24 hours per day for sexual abuse evaluations and consulta-
22 tions and administrative decisions, may satisfy the remainder of such per-
23 son's obligation to engage in the full-time practice of medicine and
24 surgery in a service commitment area I by continuing to provide such
25 services in such capacities on at least a 55% full-time equivalent basis with
26 the university of Kansas medical center, and such person shall be credited
27 for such service against the annual obligation of such person under agree-
28 ments entered into pursuant to K.S.A. 76-373 through 76-377a, and
29 amendments thereto, at the percentage rate of the full-time equivalent
30 employment of such person as determined by the chancellor of the uni-
31 versity of Kansas for each year such person qualifies under this subsection.

32 —(b)— Except as otherwise provided in this section, if the person first
33 entered into an agreement under K.S.A. 76-374 and amendments thereto
34 prior to January 1, 1982, the person shall make 10 equal annual install-
35 ment payments totaling the entire amount to be repaid under all such
36 agreements for which such obligations are not satisfied, including all
37 amounts of interest at the rate prescribed.

38 —(c)— If the person first entered into an agreement under K.S.A. 76-374
39 and amendments thereto after December 31, 1981, the person shall repay
40 an amount totaling the entire amount to be repaid under all such agree-
41 ments for which such obligations are not satisfied, including all amounts
42 of interest at the rate prescribed. Except as otherwise provided in this
43 section, such repayment shall be in installment payments and each such

~~installment shall be not less than the amount equal to 1/5 of the total amount which would be required to be paid if repaid in five equal annual installments.~~

~~—(d) All installment payments under this section shall commence six months after the date of the action or circumstance that causes the failure of the person to satisfy the obligations of such agreements as determined by the university of Kansas school of medicine based upon the circumstances of each individual case. In all cases where the person first entered into an agreement under K.S.A. 76-374 and amendments thereto after December 31, 1981, if an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all amounts of interest at the rate prescribed.~~

~~—(e) The total repayment obligation imposed under all agreements entered into under K.S.A. 76-374 and amendments thereto may be satisfied at any time by any person who first entered into an agreement under such statute prior to January 1, 1982, and at any time prior to graduation from the university of Kansas school of medicine by any persons who first entered into an agreement under such statute after December 31, 1981, by making a single lump sum payment equal to the total of (1) the entire amount to be repaid under all such agreements upon failure to satisfy the obligations under such agreements to practice in Kansas, plus (2) all amounts of interest thereon at the rate prescribed to the date of payment.~~

~~—(f) [There is hereby created in the state treasury the medical scholarship and loan repayment fund. The university of Kansas school of medicine shall remit all moneys received under this section to the state treasurer at least monthly. Upon receipt of each such remittance the state treasurer shall deposit the entire amount thereof in the state treasury, and such amount shall be credited to the medical scholarship and loan repayment fund. All expenditures from the medical scholarship and loan repayment fund shall be for scholarships awarded under K.S.A. 76-373 through 76-377a and amendments thereto, for medical student loans under the medical student loan act, for payment of the salary of the medical scholarship program coordinator and for the expenses of administration of K.S.A. 76-373 through 76-377a and amendments thereto and the medical student loan act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chancellor of the university of Kansas or by a person designated by the chancellor. On the effective date of this act, the director of accounts and reports shall transfer all moneys in the medical scholarship and loan repayment fund to the medical scholarship and loan repayment fund. On the effective date of this act, all liabilities of the medical scholarship and loan repayment fund are hereby imposed on the medical scholarship and loan repayment fund and the medical scholarship]~~

Repeal this section (76-376) and move the language in lines 23 to 43 and on page 10, lines 1 to 5 to 76-385

And by renumbering sections accordingly

1 [and loan repayment fund is hereby abolished. Whenever the medical
2 scholarship and loan repayment fund, or words of like effect, is referred
3 to or designated by any statute, contract or other document, such refer-
4 ence or designation shall be deemed to apply to the medical scholarship
5 and loan repayment fund.]

6 Sec. 3. K.S.A. 76-379 is hereby amended to read as follows: 76-379.
7 Any person awarded a scholarship in accordance with the provisions of
8 K.S.A. 76-373 through 76-377a and amendments thereto ~~may satisfy any~~
9 ~~obligation to engage in the practice of medicine and surgery under any~~
10 ~~agreement entered into pursuant to K.S.A. 76-374 and amendments~~
11 ~~thereto by engaging in the full-time practice of medicine and surgery in~~
12 ~~a service commitment area, as defined by subsection (e) of K.S.A. 76-381,~~
13 ~~in lieu of an appropriate service commitment as otherwise required under~~
14 ~~K.S.A. 76-373 through 76-377a and amendments thereto, but in accord-~~
15 ~~ance with and subject to the other conditions and requirements pre-~~
16 ~~scribed under those statutes, except that any such person, who also enters~~
17 into a medical student loan agreement under the medical student loan
18 act and who has not commenced the required primary care postgraduate
19 residency training program on the effective date of this act, may satisfy
20 the requirement to enter and complete an approved three-year primary
21 care residency training program under any such agreement by entering
22 and completing an approved postgraduate residency training program as
23 defined by subsection (b) of K.S.A. 76-381. The provisions of this section
24 shall apply only to residency training and the practice of medicine and
25 surgery commenced on or after the effective date of this act.

26 Sec. 4. K.S.A. 76-383 is hereby amended to read as follows: 76-383.
27 A medical student loan agreement entered into by the university of Kan-
28 sas school of medicine and an undergraduate student enrolled in or ad-
29 mitted to the university of Kansas school of medicine in a course of in-
30 struction leading to the degree of doctor of medicine for the purpose of
31 receiving a medical student loan under this act shall require that the
32 person receiving the loan:

33 (a) Complete the required course of instruction and receive the de-
34 gree of doctor of medicine and apply for, enter and complete an approved
35 postgraduate residency training program;

36 (b) apply for and obtain a license to practice medicine and surgery in
37 Kansas;

38 (c) engage in the full-time practice of medicine and surgery for a
39 period of 12 months within a service commitment area, except as other-
40 wise provided in subsection (c) of K.S.A. 76-384 for service as a full-time
41 faculty member of the university of Kansas school of medicine in family
42 medicine or family practice;

43 (d) commence such full-time practice of medicine and surgery within

1 nine months after completion of an approved postgraduate residency
2 training program and licensure in a service commitment area and con-
3 tinue such full-time practice in such service commitment area for a con-
4 secutive period of months equal to the total number of months required
5 under the agreement;

6 (e) agree that the service commitment for each agreement entered
7 into under this act is in addition to the service commitment contained in
8 any other agreement which has been or may be entered into under this
9 act for the purpose of obtaining a medical student loan or under ~~K.S.A.~~
10 ~~76-373 through 76-377a and amendments thereto~~ *other agreements* for
11 the purpose of obtaining scholarship aid;

12 (f) maintain records and make reports to the university of Kansas
13 school of medicine to document the satisfaction of the obligation under
14 such agreement to engage in the full-time practice of medicine and sur-
15 gery within a service commitment area and to continue such full-time
16 practice in such service commitment area for a consecutive period of
17 months equal to the total number of months required under the agree-
18 ment; and

19 (g) upon failure to satisfy an agreement to engage in the full-time
20 practice of medicine and surgery within a service commitment area for
21 the required period of time under any such agreement, the person re-
22 ceiving a medical student loan under this act shall repay amounts to the
23 university of Kansas school of medicine as provided in K.S.A. 76-385.

24 Sec. 5. K.S.A. 76-384 is hereby amended to read as follows: 76-384.

25 (a) Upon the selection of a service commitment area for the purposes of
26 satisfying a service obligation under a medical student loan agreement
27 entered into under this act, the person so selecting shall inform the uni-
28 versity of Kansas school of medicine of the service commitment area
29 selected.

30 (b) A person serving in a service commitment area pursuant to any
31 agreement under this act may serve all or part of any commitment in the
32 service commitment area initially selected by such person. If such person
33 moves from one service commitment area to another service commitment
34 area, such person shall notify the university of Kansas school of medicine
35 of such person's change of service commitment area. Service in any such
36 service commitment area shall be deemed to be continuous for the pur-
37 pose of satisfying any agreement entered into under this act.

38 (c) A person receiving a medical student loan under this act, may
39 satisfy the obligation to engage in the full-time practice of medicine and
40 surgery in a service commitment area if the person serves as a full-time
41 faculty member of the university of Kansas school of medicine in general
42 internal medicine, general pediatrics, family medicine or family practice
43 and serves two years for each one year of such obligation, or the equiv-

2 alent thereof on a two-for-one basis, except that, at the time any person
 3 commences satisfying such service obligation as a full-time faculty mem-
 4 ber pursuant to this subsection, the number of persons satisfying service
 5 commitments or service obligations, pursuant to agreements under K.S.A.
 6 ~~76-374 and amendments thereto~~ or the medical student loan act, as full-
 7 time faculty members pursuant to this subsection shall not exceed the
 8 number equal to 25% of the total number of full-time faculty members
 9 of the university of Kansas school of medicine in general internal medi-
 0 cine, general pediatrics, family medicine or family practice.

10 (d) A person may satisfy the obligation to engage in the full-time
 11 practice of medicine and surgery in a service commitment area by per-
 12 forming at least 100 hours per month of on-site primary care as defined
 13 ~~in K.S.A. 76-374 and amendments thereto~~ at a medical facility operated
 14 by a local health department or nonprofit organization in this state serving
 15 medically indigent persons. As used in this subsection, "medically indi-
 16 gent" means a person: (1) Who is unable to secure health care because
 17 of inability to pay for all or a part of the costs thereof due to inadequate
 18 personal resources, being uninsured, being underinsured, being ineligible
 19 for governmental health benefits; or (2) who is eligible for governmental
 20 benefits but is unable to obtain medical services; and "primary care"
 21 means general pediatrics, general internal medicine and family practice.

[, family medicine

22 Sec. 6. K.S.A. 74-3247 is hereby amended to read as follows: 74-
 23 3247. (a) Each Kansas student entering into an agreement under the
 24 ~~provisions of this section prior to July 1, 1978, or under the provisions of~~
 25 K.S.A. 74-3246, and amendments thereto, with the state board of regents
 26 may receive from the board a loan in an amount not exceeding \$6,000
 27 for each year such student is enrolled in the college of osteopathic medi-
 28 cine, which loan shall be made within 30 days after the commencement
 29 of each school year. The student shall execute a note payable to the state
 30 of Kansas as evidence of each such loan made, which note shall bear
 31 interest at the annual rate of 10% until paid.

32 (b) Each note shall provide that the note shall become due and pay-
 33 able, with all accrued interest thereon, in the event that the student: (1)
 34 Discontinues such student's studies at the college of osteopathic medi-
 35 cine; or

36 (2) does not enter practice in the state of Kansas in accordance with
 37 this act within six months of completion of such student's intern training
 38 or primary care residency training; or

39 (3) does not complete one full year of practice in Kansas in accord-
 40 ance with this act for each year the student was granted a loan, after
 41 entering practice in Kansas.

42 (c) Each note shall further provide that in the event the student does
 43 enter practice in Kansas within six months of completion of intern training

1 or primary care residency training, and does complete one full year of
2 practice in Kansas in accordance with this act for each year the student
3 was granted a loan, after entering practice in Kansas, the note shall be
4 forgiven, together with all accrued interest thereon.

5 (d) The practice obligations incurred by a student under the provi-
6 sions of this section are deemed to be cumulative and consecutive obli-
7 gations to the practice obligations incurred under K.S.A. 74-3246, and
8 amendments thereto, and are specifically determined not to be concu-
9 rent obligations.

10 (e) Each Kansas student who enters into an agreement under K.S.A.
11 74-3246, and amendments thereto, and who executes a note in evidence
12 of a loan under this section shall serve the practice obligations incurred
13 by such student under such agreement and under each such note, within
14 an area of the state designated as a service commitment area I pursuant
15 to K.S.A. 76-375, and amendments thereto. Such student shall select a
16 service commitment area I in accordance with the provisions of K.S.A.
17 76-375, and amendments thereto, and shall be subject to the provisions
18 of subsections (c) and (d) of such K.S.A. 76-375, and amendments
19 thereto, in the same manner and to the same effect as a person required
20 to engage in the full-time practice of medicine and surgery in a service
21 commitment area I pursuant to any agreement under K.S.A. 76-373 to
22 76-377, and amendments thereto, ~~except that in lieu of informing or no-~~
23 ~~tifying the university of Kansas school of medicine of certain matters~~
24 ~~under the provisions of subsections (c) and (d) of such K.S.A. 76-375, and~~
25 ~~amendments thereto, as K.S.A. 76-373 to 76-377, and amendments~~
26 ~~thereto, existed immediately prior to the effective date of this act.~~ Such
27 student shall inform and notify the state board of regents thereof of the
28 area selected or to which the student has moved.

29 Sec. 7. K.S.A. 2000 Supp. 74-3266 is hereby amended to read as
30 follows: 74-3266. (a) An agreement entered into by the state board of
31 regents and a Kansas resident who is an undergraduate student enrolled
32 in or admitted to an accredited school of osteopathic medicine in a course
33 of instruction leading to the degree of doctor of osteopathy for the award-
34 ing of a scholarship under K.S.A. 74-3265 and amendments thereto shall
35 require that the person receiving the scholarship:

36 (1) Complete the required course of instruction and receive the de-
37 gree of doctor of osteopathy;

38 (2) apply for and obtain a license to practice medicine and surgery in
39 Kansas;

40 (3) engage in the full-time practice of medicine and surgery for a
41 period of 12 months in Kansas;

42 (4) (A) with regard to agreements entered into prior to July 1, 1993,
43 commence such full-time practice of medicine and surgery within nine

1 months after licensure or within nine months after completion of a resi-
2 dency program and licensure, whichever is later, and continue such full-
3 time practice in Kansas for a consecutive period of months equal to the
4 total number of months required under the agreement;

5 (B) with regard to agreements entered into after July 1, 1993, com-
6 mence such full-time practice of medicine and surgery within nine
7 months after licensure or within nine months after completion of an ap-
8 proved residency program as defined in this section and licensure, which-
9 ever is later, and continue such full-time practice in Kansas for a consec-
10 utive period of months equal to the total number of months required
11 under the agreement;

12 (5) agree that the service commitment for each agreement entered
13 into under this section is in addition to the service commitment contained
14 in any other agreement which has been or may be entered into under
15 this section for the purpose of obtaining scholarship aid;

16 (6) maintain records and make reports to the state board of regents
17 to document the satisfaction of the obligation under such agreement to
18 engage in the full-time practice of medicine and surgery in Kansas and
19 to continue such full-time practice for a consecutive period of months
20 equal to the total number of months required under the agreement; and

21 (7) upon failure to satisfy an agreement to engage in the full-time
22 practice of medicine and surgery in Kansas for the required period of
23 time under any such agreement, the person receiving a scholarship under
24 K.S.A. 74-3265 and amendments thereto shall repay amounts to the state
25 board of regents as provided in K.S.A. 74-3267 and amendments thereto.

26 (b) (1) Each Kansas student who enters into an agreement under this
27 section after June 30, 1988, shall serve the practice obligations incurred
28 by such student under such agreement within an area of the state des-
29 ignated as a service commitment area I pursuant to K.S.A. 76-375 and
30 amendments thereto. Such student shall select a service commitment area
31 I in accordance with the provisions of K.S.A. 76-375 and amendments
32 thereto and shall be subject to the provisions of subsections (c) and (d)
33 of such K.S.A. 76-375 and amendments thereto in the same manner and
34 to the same effect as a person required to engage in the full-time practice
35 of medicine and surgery in a service commitment area I pursuant to any
36 agreement under K.S.A. 76-373 through 76-377a and amendments
37 thereto, ~~except that in lieu of informing or notifying the university of~~
38 ~~Kansas school of medicine of certain matters under the provisions of~~
39 ~~subsections (c) and (d) of such K.S.A. 76-375 and amendments thereto~~
40 ~~as K.S.A. 76-373 to 76-377a, and amendments thereto, existed immedi-~~
41 ~~ately prior to the effective date of this act.~~ Such student shall inform and
42 notify the state board of regents ~~thereof of the area selected or to which~~
43 *the student has moved.*

1 (2) Each Kansas student who enters into an agreement under this
2 section after June 30, 1993, shall serve the practice obligations incurred
3 by such student under such agreement in any county of this state other
4 than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte counties.

5 (c) A person awarded a scholarship in accordance with the provisions
6 of K.S.A. 74-3265 through 74-3268 and amendments thereto may satisfy
7 the obligation to engage in the practice of medicine and surgery, under
8 an agreement entered into pursuant to this section, even though such
9 person is engaged in practice in an area not designated a medically un-
10 derserved area by specialty, or a critically medically underserved area by
11 specialty, or is engaged in practice in Douglas, Johnson, Sedgwick, Shaw-
12 nee or Wyandotte counties, through employment on a part-time basis by
13 the state of Kansas which has been approved by the state board of regents,
14 for the practice of medicine and surgery at any state medical care facility
15 or institution.

16 (d) For all purposes under this section, service or employment after
17 June 30, 1988, on a part-time basis at a state medical care facility or
18 institution shall be on the basis of at least the equivalent of 1/2 time in
19 order to satisfy practice obligations under an agreement entered into un-
20 der this section.

21 (e) As used in this section and K.S.A. 74-3267 and amendments
22 thereto, (1) "state medical care facility or institution" has the meaning
23 ascribed thereto by subsection ~~(k)~~ (e) of K.S.A. 76-375 and amendments
24 thereto; and (2) "approved postgraduate residency training program"
25 means a residency training program in general pediatrics, general internal
26 medicine, family medicine, family practice or emergency medicine.

27 Sec. 8. K.S.A. 74-3269 is hereby amended to read as follows: 74-
28 3269. (a) The state board of regents may finance or assist in the financing
29 of postgraduate training programs in primary care osteopathic medicine
30 and may provide financial assistance to persons engaged in such post-
31 graduate training programs who have agreed to enter the full-time prac-
32 tice of osteopathic medicine in Kansas pursuant to an agreement under
33 this section. The state board of regents may contract with one or more
34 hospitals or one or more medical groups, or both, in Kansas. Each such
35 contract shall provide that the hospital or medical group provide post-
36 graduate training in primary care osteopathic medicine and that the state
37 board of regents shall pay specific amounts from appropriations to be
38 used in financing such postgraduate training, including stipends, com-
39 pensation and expenses related thereto. Each hospital or medical group
40 entering into a contract with the state board of regents under this section
41 shall indemnify the state board of regents against the failure of any person
42 who engaged in a postgraduate training program provided by such hos-
43 pital or medical group under the contract to repay to the state board of

1 regents the total amount of money plus annual interest required under
2 subsection (f) upon the failure of such person to satisfy the obligation to
3 engage in the full-time practice of osteopathic medicine in accordance
4 with an agreement under this section.

5 (b) The amount of each stipend provided to a person engaged in a
6 postgraduate training program in primary care osteopathic medicine un-
7 der this section shall not be less than any stipend provided to persons
8 engaged in a postgraduate training program in allopathic medicine under
9 K.S.A. 76-825, and amendments thereto.

10 (c) The stipends and other financing provided for under this section
11 are intended to improve medical education in Kansas and to encourage
12 retention of primary care physicians in Kansas. To be eligible to engage
13 in a postgraduate training program in osteopathic medicine and to receive
14 a stipend under this section, each person shall enter into a written agree-
15 ment with the state board of regents which requires such person to: (1)
16 Become prepared for the practice of osteopathic medicine by completion
17 of such person's postgraduate training, and (2) enter the full-time practice
18 of osteopathic medicine in Kansas in accordance with this section within
19 six months after completion of such person's postgraduate training and
20 continue such full-time practice for a consecutive period of months equal
21 to the total number of months in which such person engaged in a post-
22 graduate training program under this section.

23 (d) Each person who enters into an agreement under this section
24 shall fulfill such practice obligations by practice in Kansas within an area
25 of the state designated as a service commitment area II pursuant to K.S.A.
26 76-375, and amendments thereto. Such person shall select a service com-
27 mitment area II in accordance with the provisions of K.S.A. 76-375, and
28 amendments thereto, and shall be subject to the provisions of subsections
29 (c) and (d) of such K.S.A. 76-375, and amendments thereto, in the same
30 manner and to the same effect as a person required to engage in the full-
31 time practice of medicine and surgery in a service commitment area II
32 pursuant to any agreement under K.S.A. 76-373 to 76-377, inclusive, and
33 amendments thereto, ~~except that in lieu of informing or notifying the~~
34 ~~university of Kansas school of medicine of certain matters under the pro-~~
35 ~~visions of subsections (c) and (d) of such K.S.A. 76-375, and amendments~~
36 ~~thereto, as K.S.A. 76-373 to 76-377, and amendments thereto, existed~~
37 *immediately prior to the effective date of this act.* Such person shall inform
38 and notify the state board of regents ~~thereof of the area selected or to~~
39 *which the person has moved.*

40 (e) The practice obligations incurred by a person under this section
41 are cumulative and consecutive obligations to any practice obligations
42 incurred by such person under K.S.A. 74-3223 to 74-3228, inclusive, and
43 amendments thereto, or K.S.A. 74-3246, 74-3247 and 74-3248, and

1 amendments thereto, or any other law of this state, and the practice ob-
2 ligations under this section are specifically determined not to be concur-
3 rent obligations with any other of such practice obligations.

4 (f) Except as otherwise provided in this section, upon the failure of
5 any person to satisfy the obligation to engage in the full-time practice of
6 osteopathic medicine within the appropriate service commitment area of
7 this state for the required period of time under any agreement entered
8 into pursuant to this section, such person shall repay to the state board
9 of regents an amount equal to the amount of money received by such
10 person as a stipend during such person's postgraduate training program
11 under this section plus annual interest from the date such money was
12 received ~~at the rate prescribed under K.S.A. 76-376, and amendments~~
13 ~~thereto, an annual rate of 15%~~ for the repayment obligation imposed
14 under that statute and such person shall be subject to the other provisions
15 of such K.S.A. 76-376, and amendments thereto, *as in effect immediately*
16 *prior to the effective date of this act*, in the same manner and to the same
17 effect as a person required to repay moneys received pursuant to any
18 agreement under K.S.A. 76-373 to 76-377, inclusive, and amendments
19 thereto, *as K.S.A. 76-373 to 76-377, inclusive, and amendments thereto,*
20 *existed immediately prior to the effective date of this act.*

21 (g) An obligation to engage in the full-time practice of osteopathic
22 medicine in accordance with an agreement under this section shall be
23 postponed or shall be satisfied in the same manner and to the same effect
24 as an obligation to engage in the practice of medicine and surgery pur-
25 suant to any agreement under K.S.A. 76-373 to 76-377, inclusive, and
26 amendments thereto, *as K.S.A. 76-373 to 76-377, inclusive, and amend-*
27 *ments thereto, existed immediately prior to the effective date of this act*
28 shall be postponed or shall be satisfied in accordance with the provisions
29 of K.S.A. 76-377, and amendments thereto *as K.S.A. 76-377, and amend-*
30 *ments thereto, existed immediately prior to the effective date of this act.*
31 In addition, an obligation to engage in the full-time practice of osteopathic
32 medicine in accordance with an agreement under this section shall be
33 postponed during the period in which the person, who completed the
34 first portion of such person's postgraduate training in a postgraduate
35 training program under this section, completes the remaining portion of
36 such person's postgraduate training at a location in another state.

37 (h) If a person fails to satisfy an obligation to engage in the full-time
38 practice of osteopathic medicine in Kansas for the required period of time
39 under an agreement entered into under this section because such person
40 is engaged in the practice of osteopathic medicine in a state other than
41 Kansas, and if such person is subject to or currently making repayments
42 under this section and if such person subsequently commences the prac-
43 tice of osteopathic medicine in this state which complies with the agree-

2 ments entered into under this section, the balance of the repayment
 3 amount, including interest thereon, from the time of such commence-
 4 ment of practice until the obligation of such person is satisfied, or until
 5 the time such person again becomes subject to repayments, shall be
 6 waived. All repayment amounts due prior to such commencement of
 7 practice in this state, including interest thereon, shall continue to be pay-
 8 able as provided in this section. If subsequent to such commencement of
 9 practice, the person fails to satisfy such obligation, the person again shall
 10 be subject to repayments, including interest thereon, as otherwise pro-
 11 vided in this section.

11 (i) As used in this section, "primary care" means the medical spe-
 12 cialties of general internal medicine, pediatrics, family practice and ob-
 13 stetrics and gynecology.

14 Sec. ~~9~~ K.S.A. ~~74-3247, 74-3269, 76-373, 76-374, [76-376]~~ 76-377,
 15 76-377a, 76-379, 76-383 and 76-384 and K.S.A. 2000 Supp. 74-3266 ~~and~~
 16 76-375 are hereby repealed.

17 Sec. ~~10~~ This act shall take effect and be in force from and after its
 18 publication in the statute book.

Sec. 8. 65-2811a see attached

Sec. 9. 74-32,132 see attached

Sec. 10. 76-381 see attached

11

65-2811a,

, 74-32, 132,

and 76-381

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ATTACHMENT

Sec. 8. K.S.A. 65-2811a is hereby amended to read as follows: 65-2811a. (a) The state board of healing arts may issue a special permit to practice the appropriate branch of the healing arts, under the supervision of a person licensed to practice such branch of the healing arts, to any person who has completed undergraduate training in a branch of the healing arts and who has not engaged in a full-time approved postgraduate training program.

(b) Such special permit shall be issued only to a person who: (1) Has made proper application for such special permit upon forms approved by the state board of healing arts;

(2) meets all qualifications of licensure except examinations and postgraduate training, as required by the Kansas healing arts act;

(3) is not yet but will be engaged in a full-time, approved postgraduate training program in Kansas;

(4) has obtained the sponsorship of a person licensed to practice the branch of the healing arts in which the applicant is training, which sponsor practices in an area of Kansas which is determined under K.S.A. 76-375 and amendments thereto to be medically underserved ~~or critically medically underserved~~; and

(5) has paid the prescribed fees as established by the state board of healing arts for the application for and granting of such special permit.

(c) The special permit, when issued, shall authorize the person to whom the special permit is issued to practice the branch of the healing arts in which such person is training under the supervision of the person licensed to practice that branch of the healing arts who has agreed to sponsor such special permit holder. The special permit shall not authorize the person holding the special permit to engage in the private practice of the healing arts. The holder of a special permit

HOUSE BILL No. 2229

By Committee on Health and Human Services

1-31

Proposed Amendments

[material within brackets would be deleted]

AN ACT enacting the Kansas senior caregiving initiative; establishing a program to improve the quality of long-term care services; authorizing grants for and evaluations of new models of long-term care; concerning nursing facility reimbursement and enhanced employee training; establishing a prevention program for the improvement of the quality of long-term care services; providing for an advisory council.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This act shall be known and may be cited as the "Kansas senior caregiving initiative."

(b) [The]state, in partnership with private providers of long-term care services, shall initiate a comprehensive and sustainable program that provides:

Within the limits of appropriations therefor, the

(1) A process for quantifiable and continual improvement in the quality of long-term care and services;

(2) support and training for the workers who provide long-term care and services; and

(3) fiscally prudent funding to prepare for the anticipated increase in the number of older Kansans that will need long-term care services in the years ahead.

(c) [The]secretary of aging shall establish and competitively award grants to nursing facilities to implement and evaluate new models of care that alter the organizational culture of nursing facilities to provide sustainable improvement in the quality of long-term care and services or that reduce employee turnover, or both. Where necessary, the secretary shall apply for and aggressively seek federal waivers to permit the implementation and evaluation of any new models of care that nursing facilities propose through the grant process.

(d) The secretary of human resources shall evaluate the current education and training systems and methods utilized in Kansas for workers that provide long-term care and services for nursing facilities and shall identify and recommend any changes to the current system that will result in improved recruitment and retention of long-term care employees. The secretary shall report this information and any recommendations to the long-term care services task force on or before November 1, 2001.

1 [(e) The secretary of aging shall modify the current medicaid nursing
2 facility reimbursement mechanism to permit nursing facilities to report
3 expenditures related to increased frontline staff wages and benefits mid-
4 way through the annual cost reporting cycle and to receive a midyear rate
5 adjustment based on these expenditures. Any minimum occupancy re-
6 quirement applied to nursing facility costs shall include only those costs
7 that are fixed and unalterable regardless of resident census.]

(e) Within the limits of appropriations therefor, the

8 [(f) The secretary of aging shall establish and implement a program
9 that provides grants, on a competitive basis, to community colleges, uni-
10 versities, area vocational-technical colleges and not-for-profit educational
11 organizations to provide comprehensive, on-site training of long-term
12 care employees that provide direct resident care. The secretary shall es-
13 tablish goals and minimal requirements that must be met by the institu-
14 tion or organization that provides on-site training under this subsection.
15 The secretary shall further develop a system to objectively evaluate the
16 effectiveness of the on-site training program and make recommendations
17 to the legislature regarding the effectiveness, funding and continuation
18 of the grants and training program.]

(f) Within the limits of appropriations therefor, there

19 [(g) There] is hereby established within the department on aging a
20 prevention program designed to lend regulatory and best care practices
21 expertise to nursing facilities and providers of long-term care and services
22 in order to improve the quality of care provided to residents of nursing
23 facilities and other providers of long-term care. The program shall be
24 overseen by an advisory council appointed by the secretary of aging. The
25 program shall be designed to provide advice and direction to nursing
26 facilities and providers of long-term care and services in regard to the
27 provision of resident care, appropriate situational responses and regula-
28 tory requirements.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the statute book.

(g) On and after July 1, 2001, payment schedules for providers of adult care home services under the medicaid plan shall not use the 85% rule in computing reimbursement. As used in this paragraph (g), the "85% rule" means the 85% minimum occupancy rule and the resulting formula adjustments based on this rule under Kansas Administrative Regulation 30-10-18 and other similar rules and regulations. Authorized expenditures not otherwise accounted for in the reimbursement rate of the facility, not under the control of the facility and required by the state of Kansas or federal mandates shall be reimbursed by the state as a direct-cost pass-through.